FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Second Appeal NO. 665 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

CORAM : Smt. V. A. Naik, J.
DATE : 27th April, 2007.

Heard Mrs.Joshi, learned counsel for the appellant and Mr.Mishra, learned counsel for the respondent no.3.

The appellant is the original defendant. A suit was filed by the respondent no.3 who was the brother of respondents nos.1 and 2 for a declaration that the sale-deed executed by the respondent no.1 in favour of the appellant was void and not binding on the plaintiff to the extent of 31 R of the land. It was the case of the plaintiff that the field property admeasuring 2 H 10 R belonged to the plaintiff, respondent no.1 herein and one Pandurang. According to the plaintiff, the property was not partitioned and in the absence of partition, the respondent no.1 herein had sold the suit property to the present appellant. According to the plaintiff, the sale-deed executed by his brother/respondent no.1 in

favour of the present appellant was not binding to the extent of his share. Both the trial as well as the appellate Court concurrently held that the sale-deed executed by respondent no.1 herein in favour of the appellant was not void to the extent of 31 R of land which fell to the share of the plaintiff/respondent no.3.

The findings recorded by both the Court are pure findings of facts which do not give rise to any substantial question of law.

The Second Appeal is, therefore, dismissed with no order as to costs.

JUDGE

APTE